



04-06-01

A Partnership Including
Professional Corporations
2700 Sand Hill Road
Menlo Park, CA 94025
650-233-5500
Facsimile 650-233-5599
<http://www.mwe.com>

0360
Boston
Chicago
London
Los Angeles
Miami
Moscow
Orange County
New York
St. Petersburg
Silicon Valley
Vilnius
Washington, D.C.

#3

MCDERMOTT, WILL & EMERY

April 3, 2001

BOX: NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

RE: Response to Notice to File Corrected Application Papers
Applicant: Karl M. Bizjak
Serial No: 09/727,259
Filed: November 29, 2000
Our file: 51992-002

Dear Sir/Madam:

Applicant herewith responds to the Notice to File Corrected Application Papers mailed February 5, 2001, by submitting the following documents:

1. Copy of Notice to File Corrected Application Papers;
2. Preliminary Amendment;
3. Version With Markings to Show Changes Made;
4. Express Mail Label No:EE159256644US
5. Transmittal letter; and
6. Return postcard.

The Assistant Commissioner is hereby and directed to charge any applicable fees and/or credit any overpayment to deposit account no. 50-0385.

Very truly yours,

James E. Eakin
Reg. No. 27,874
JEE:bem
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/727,259	11/29/2000	Karl M. Bizjak	51992-004

CONFIRMATION NO. 5489

FORMALITIES LETTER



OC00000005734891

James E. Eakin
McDermott, Will & Emery
2700 Sand Hill Road
Menlo Park, CA 94025

Date Mailed: 02/05/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1F** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.


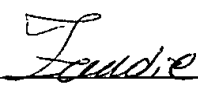
II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e.,

the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

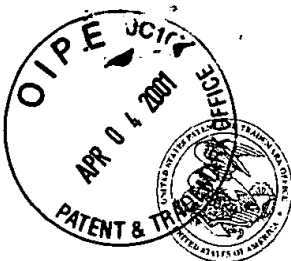
In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

 
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/726,982	11/29/2000	Karl M. Bizjak	51992-002

CONFIRMATION NO. 5176

FORMALITIES LETTER



OC00000005737018

James E. Eakin
McDermott, Will & Emery
2700 Sand Hills Road
Menlo Park, CA 94025

Date Mailed: 02/06/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- ①
- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

② The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1F and 43B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e.,

the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

Nikki Luengvitham

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



POST OFFICE TO ADDRESSEE



**SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIM-
ON INSURANCE COVERAGE**



Customer Copy
Label 11-F July 1997

ZIP Code 94128		Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second <input type="checkbox"/> Third		Flat Rate Envelope <input type="checkbox"/>
Date in Mo. Day Year 11 29 00	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM		Postage \$ 21.25	
Time in Mo. Day Year 11 29 00	<input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		Return Receipt Fee	
Weight Lbs. Ozs. 3 7	<input type="checkbox"/> AM <input type="checkbox"/> PM		COD Fee Insurance Fee	
<input type="checkbox"/> No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Int'l Alpha County Code Acceptance Point Initials 14		Total Postage & Fees \$ 21.25

METHOD OF PAYMENT:

100046X

Federal Agency Acct. No. or
Postal Service Acct. No.

NO DELIVERY: ☐ Weekend; ☐ Holiday; ☐ Customer Service

13
170

TO: PLEASE PRINT

PHONE

Customer Signature

TOWN: PHOENIX COUNTY: Maricopa
 NAME: McDERMOTT
 ADDRESS: WILEY EMMERY
2700 SAND HILL RD
MENLO PARK
 CITY: CA ZIP: 94025-7020

CA 94025-7020

51992-002

ASST. Commissioner for
Patents
Washington D. C. 20231-0001
Box New APD

PRESS HARD.
You are making 3 copies

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.gov





Applicant: Bizjak, et al. Docket No.: 51992 - 002

Title/Mark: Variable Allocation Release Serial/Reg./Patent No. 6613333 844545

Date Sent: 11/29/00 ☐ Hand Carried ☐ 1st-Class Mail ☐ Cert. of Mailing ☒ Express Mail No. 6613333 844545

☒ Transmittal Letter ☐ Utility/Design/Continuation/CIP/FWC/Divisional/PCT

☒ Other: Release of Invention pages of Specification 149

pages of Claims 157 pages of Abstract 157 pages of Formal/Informal Drawings 157

☐ Information Disclosure Statement Form PTO 1449

copies of cited references ☐ Preliminary Amendment

☐ Response to Missing Parts Notice ☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority ☐ Verified Statement of Small Entity Status

☐ Transmittal of Issue Fee: Form PTO 85b Form PTO 85C

☐ Maintenance Fee for years after grant ☐ Notice of Appeal ☐ Appeal Brief

☐ Recordation of Patent Trademark: Assignments/Security Agreements/

☐ Response/Amendment to Office Action of ☐ Petition to Commissioner for

Other: Check #1029 for \$435 -

☐ Trademark/Service Mark/Intent-To-Use Application ☐ Amendment to Allege Use ☐ Statement of Use

☐ Formal/Informal/Substitute Drawing Sheet (no. of) Substitute/Specimens

☐ Continued Use Affidavit/Declaration (Section 8 & 15)

☐ Notice of Opposition/Answer to

☐ Ex Parte Appeal ☐ Petition for Cancellation/ Answer to

☐ Renewal of Reg. No.

☒ Combined Declaration/Power of Attorney

☐ Letter of Protest ☐ Request for -day/month Extension of Time

Check for \$ ☐ Total Deposit Account charge for \$ Attorney:

☐ CHI ☐ WASH

CLO2 Descrip.:

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

JCE13 U.S. PTO
09/726982
11/29/00